

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 05 November 1999 (05.11.99)	
<b>International application No.</b> PCT/US99/04752	<b>Applicant's or agent's file reference</b> 010310-00272
<b>International filing date (day/month/year)</b> 03 March 1999 (03.03.99)	<b>Priority date (day/month/year)</b> 04 March 1998 (04.03.98)
<b>Applicant</b> TIRAMANI, Paolo, M., B. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

01 October 1999 (01.10.99)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer S. Mafla</p> <p>Telephone No.: (41-22) 338.83.38</p>
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 010310-00272	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/04752	International filing date (day/month/year) 03 MARCH 1999	Priority date (day/month/year) 04 MARCH 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): B29C 49/00; A45C 5/00 and US Cl.: 190/113, 114, 122, 123; 264/515, 523, 540		
Applicant 500 GROUP, INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 01 OCTOBER 1999	Date of completion of this report 19 APRIL 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer JAN SILBAUGH DEBORAH THOMAS PARALEGAL SPECIALIST
Facsimile No. (703) 305-3230	Telephone No. (703) 308-3829

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/04752

**I. Basis of the report**

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):*

☒ the international application as originally filed.

☒ the description, pages 1-7, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of \_\_\_\_\_.

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. 1-20, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of \_\_\_\_\_.

Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/~~fig~~ 1-6, as originally filed.

sheets/~~fig~~ NONE, filed with the demand.

sheets/~~fig~~ NONE, filed with the letter of \_\_\_\_\_.

sheets/~~fig~~ \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE.

☒ the claims, Nos. NONE.

☒ the drawings, sheets/~~fig~~ NONE.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>4-7, 9-12, 15, 19, 20</u>	YES
	Claims <u>1-3, 8, 13, 14, 16-18</u>	NO
Inventive Step (IS)	Claims <u>4-7, 10-12, 15, 20</u>	YES
	Claims <u>1-3, 8, 9, 13, 14, 16-19</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-3, 8, 13, 14, 16-18 lack novelty under PCT Article 33(2) as being anticipated by U.S. 4,487,328 to Wilcox et al. Wilcox et al teaches the process and article in col. 2, lines 43-46 and col. 3, lines 25-27. the article, a case, is blow molded and has a double wall lid. Figure 1 shows intermittent portion which contact the inner surface of the outer wall at 40 as required by claim 3.

Claims 1, 8, 9, 16-19 lack an inventive step under PCT Article 33(3) as being obvious over European patent 367,863 to Schneider in view of U. S. patent 4,260,043 to Remington. Schneider teaches forming a blow molded suitcase. Remington teaches that it is well known to clip an extrusion onto a Z-beam of a suitcase. It would have been obvious to clip an extrusion onto the Z-beam of Schneider's suitcase at least at the handle location in order to provide strength and decoration.

Claims 4-7, 10-12 15, and 20 meet the criteria set out in PCT Articles 33(2-4), because the prior art does not teach or fairly suggest:

The method of claims 4. A method of forming a hard-sided luggage article by using a blow molding process to produce a double walled lid and a base in which the base is formed with a Z-beam to receive the lid and the lid has an inner wall with intermittent portions contacting the outer wall and a groove section which mates with the Z-beam when the lid is received on the base and attaching an extrusion onto the Z-beam.

The article of claim 10. A hard-sided luggage article comprising a base and a lid secured to the base, the base having an opening defined by a Z-beam and a co-extruded extrusion attached to a section of the Z-beam, one portion of the co-extruded extrusion clipping on to the Z-beam and a second portion extending laterally outward from the first portion.

The article of claim 15. A hard-sided luggage article comprising a base and a lid secured to the base, the base including an opening defined by a Z-beam, the lid having a double wall construction with portions of the inner wall contacting the outer wall and with a groove section which mates with the Z-beam of the (Continued on Supplemental Sheet.)

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defects in the form or content thereof:  
Figure 2 numerals 24 and 26 are reversed.

The description is objected to as containing the following defects under PCT Rule 66.2(a)(iii) in the form or contents thereof:  
On pages 5 and 6, 24 is used to refer to both the lid and base and then the base is labeled 24 and the lid 26 which is the opposite of what is shown in most of the drawings.

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 9-15 and 17-20 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the claims are indefinite for the following reasons: the preamble of these claims refer to the method of claim 8 or the method of claim 16, but claims 8 and 16 are article claims. It is assumed for purposes of examination that claims 9-15 and 17-20 are article claims not method claims.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

base when the lid is closed.

The article of claim 20. A hard-sided luggage article including a trap-door lid hingedly connected to a base, the base having a bottom portion and a sidewall portion of the parting line between the base and lid located where the lid is hingedly connects to the base not being disposed on a sidewall portion of the base.

----- NEW CITATIONS -----

NONE

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US99/04752

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(6) :B29C 49/00; A45C 5/00

US CL :190/113, 114, 122, 123; 264/515, 523, 540

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 264/515, 523, 540; 190/113, 114, 122, 123

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Please See Extra Sheet.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 367,863 A (SCHNEIDER) 16 May 1990, Figures and English abstract.	1, 16-18
X	US 4,487,328 A (WILCOX et al) 11 December 1984, col. 2, lines 43-46, col. 3, lines 25-27.	1-3, 8, 13, 14, 16-18
X, P --- Y, P	US 5,755,311 A (YOUNESSIAN et al) 26 May 1998, entire document.	8 --- 9
Y	US 4,260,043 A (REMINGTON) 07 April 1981, col. 1, lines 7-20.	9
A	US 4,784,248 A (WORKMAN) 15 November 1988, entire document.	

☒ Further documents are listed in the continuation of Box C.
 ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
*A* document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
*B* earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*A* document member of the same patent family
*O* document referring to an oral disclosure, use, exhibition or other means	
*P* document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

06 MAY 1999

Date of mailing of the international search report

28 MAY 1999

 Name and mailing address of the ISA/US  
 Commissioner of Patents and Trademarks  
 Box PCT  
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Authorized officer

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**INTERNATIONAL SEARCH REPORT****International application No.**  
**PCT/US99/04752****C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT**

<b>Category*</b>	<b>Citation of document, with indication, where appropriate, of the relevant passages</b>	<b>Relevant to claim No.</b>
A	DE 3521105 A (GREGOR HOFBAUER GMBH) 18 December 1986, entire document.	

# INTERNATIONAL SEARCH REPORT

International application No.  
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## B. FIELDS SEARCHED

Electronic data bases consulted (Name of data base and where practicable terms used):

WEST 1.1a All database: blow adj (mold\$3 or mould\$3) and (luggage or suitcase or carrying case)

APS: 190/clas and blow(3a)(mold? or mould?)

APS: 264/510-543/cclst and (luggage or suitcase or carrying case)